

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

ROCHE CYRULNIK FREEDMAN LLP,

Plaintiff,

v.

JASON CYRULNIK,

Defendant.

Civil Action No. 1:21-cv-01746 (JGK)

DECLARATION OF MARC E. KASOWITZ

I, Marc E. Kasowitz, declare as follows:

1. I am a partner of the law firm of Kasowitz Benson Torres LLP and counsel for Defendant Jason Cyrulnik (“Cyrulnik”) in the above-captioned action. I am fully familiar with the pleadings in this matter and, unless otherwise indicated, I have personal knowledge of the facts herein.

2. I submit this declaration in support of Cyrulnik’s Motion to Dismiss or, in the Alternative, Stay This Action (the “Motion”). Capitalized terms not defined herein have the meaning assigned to them in Cyrulnik’s Memorandum of Law in support of the Motion.

3. During a February 24, 2021 phone call, I told Sean Hecker, counsel for Plaintiff, in sum or substance, that Cyrulnik rejected Plaintiff’s outstanding offer to resolve the parties’ dispute, and that Cyrulnik would commence a litigation against Plaintiff if it did not agree to provide him with everything to which he was entitled, including his full share of the Tokens.

4. Attached hereto as Exhibit 1 is a true and correct copy of the complaint filed by Plaintiff RCF in this action on February 27, 2021.

5. Attached hereto as Exhibit 2 is a true and correct copy of the complaint filed by Cyrulnik on March 9, 2021 in the Circuit Court of the Eleventh Judicial Circuit in and for

Miami-Dade County, Florida, captioned *Jason Cyrulnik v. Kyle Roche, Devin Freedman, Amos Friedland, Nathan Holcomb Edward Normand, and Roche Cyrulnik Freedman LLP (a/k/a Roche Freedman LLP*, Case No.: 2021-005837-CA-01.

6. Attached hereto as Exhibit 3 is a true and correct copy of a February 22, 2021 letter from me to RCF and certain RCF partners.

7. Attached hereto as Exhibit 4 is a true and correct copy of a February 26, 2021 email chain between me and RCF's counsel.

8. Attached hereto as Exhibit 5 is a true and correct copy of the March 3, 2021 termination letter from RCF to Cyrulnik.

9. Attached hereto as Exhibit 6 is a true and correct copy of the transcript of the pre-motion conference held by this Court on May 13, 2021.

10. I declare under penalty of perjury that the above is true and correct.

Dated: New York, New York
June 11, 2021

/s/ Marc E. Kasowitz
Marc E. Kasowitz